

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODNEY JAMES MILLS,

Plaintiff,

v.

J. AGURKIS, *et al.*,

Defendants.

Case No. 2:22-cv-01675-JDP (PC)

ORDER AND FINDINGS AND  
RECOMMENDATIONS

On January 23, 2023, I screened plaintiff's complaint and notified him that the claims were not cognizable. ECF No. 11. I granted him thirty days to file an amended complaint or advisement indicating his intent to stand by his current complaint, subject to a recommendation that it be dismissed. I also warned him that failure to comply with the January 23 order could result in dismissal of this action. *Id.* at 4. Plaintiff did not file an amended complaint.

Accordingly, on April 4, 2023, I ordered him to show cause within twenty-one days why this action should not be dismissed. ECF No. 15. I notified him that if he wished to continue with this action he must file, within twenty-one days, an amended complaint or advisement of his intent to stand by his current complaint. I also warned him that failure to comply with the order would result in a recommendation that this action be dismissed. *Id.*

The deadline has passed, and plaintiff has not filed an amended complaint or otherwise responded to the April 4, 2023 order.

1 Accordingly, it is hereby ORDERED that the Clerk of Court shall randomly assign a  
2 United States District Judge to this case.

3 Accordingly, it is hereby RECOMMENDED that:

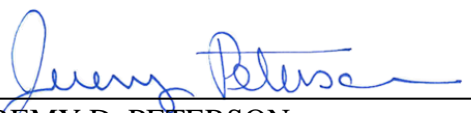
4 1. This action be dismissed for failure to prosecute, failure to comply with court orders,  
5 and failure to state a claim, for the reasons set forth in the January 23, 2023 and April 4, 2023  
6 orders.

7 2. The Clerk of Court be directed to close the case.

8 These findings and recommendations are submitted to the United States District Judge  
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
10 after being served with these findings and recommendations, any party may file written  
11 objections with the court and serve a copy on all parties. Such a document should be captioned  
12 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the  
13 objections shall be served and filed within fourteen days after service of the objections. The  
14 parties are advised that failure to file objections within the specified time may waive the right to  
15 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*  
16 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

17  
18 IT IS SO ORDERED.

19 Dated: May 16, 2023

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21 JEREMY D. PETERSON  
22 UNITED STATES MAGISTRATE JUDGE  
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